

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Norfolk Division

In re:
PHILLIP RAY BRICKHOUSE, JR., and;
GALE MARIE BRICKHOUSE,

Chapter 13
Case No. 11-70223-SCS

Debtors.

**OBJECTION TO DEBTORS AMENDED MOTION TO
APPROVE LOAN MODIFICATION**

COMES NOW R. Clinton Stackhouse, Jr., Chapter 13 Trustee (the "Trustee"), and objects to the Debtors amended motion to approve loan modification filed in this case. In support of this Objection, the Trustee states as follows:

1. Phillip Ray Brickhouse, Jr. and Gale Marie Brickhouse (the "Debtors"), filed a voluntary petition for relief under Chapter 13 of Title 11 of the United States Code on January 19, 2011. Relief was ordered.

2. On January 20, 2011, the Trustee was appointed in this case and continues to serve in that capacity.

3. On January 25, 2011, the Debtors filed their original Chapter 13 plan (the "Plan"), which was confirmed by the Court on March 16, 2011.

4. On March 7, 2013, the Debtors, by counsel, filed a notice and motion to approve loan modification (the "Motion to Approve") seeking permission to modify their existing loan on the Real Property.

R. Clinton Stackhouse, Jr., VSB# 19358
Chapter 13 Trustee
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5. On March 28, 2013, the Trustee filed an objection to the Motion to Approve due to it failing to disclose the source of the funds to be used to make the increased mortgage payment and no service list being attached to the Motion to Approve.

6. On April 10, 2013, the Debtors, by counsel, filed an amended notice and motion to approve (the "Amended Motion to Approve") seeking permission to modify their existing loan on the Real Property.

7. The Amended Motion to Approve states that the Debtors current mortgage payment is \$1,658.76 (the "Current Mortgage Payment").

8. The Amended Motion to Approve states that the Debtors monthly mortgage payment after modification will be \$972.49 for principal and interest only and estimated total payment will be \$1,335.40 effective May 1, 2013 (the "Proposed Mortgage Payment"), which is a decrease of approximately \$323.36 each month.

9. The Amended Motion to Approve is not in compliance with Local Rule 6004-4(B)(4), in that it does not state whether the Debtor intends to increase the amount of their Chapter 13 plan payment.

10. The Amended Motion to Approve is not in compliance with Local Rule 6004-4(B)(1), in that it does not disclose the modified principal balance.

For the foregoing reason, the Trustee objects to the Amended Motion to Approve, and for such other and further relief as this Court deems just and proper.

R. Clinton Stackhouse, Jr.
Chapter 13 Trustee

/s/ R. Clinton Stackhouse, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of April, 2013, I will electronically file the foregoing Objection using the CM/ECF system, which will then send electronic notification of such filing to Steve C. Taylor, Esquire, counsel for the Debtors and that a true copy was mailed by first class mail, postage pre-paid to:

Phillip Ray Brickhouse, Jr.
Gale Marie Brickhouse
833 Shetland Drive
Chesapeake, VA 23322

/s/ R. Clinton Stackhouse, Jr.
